



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2406102

Applicant Name : Tyler Goodmanson for Beau Development

Address of Proposal: 9230 35th Avenue S.W.

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel of land into three unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses has been approved under Project #2403328. The following approval is required:

Short Subdivision - To divide one parcel of land into two unit lots.
(Seattle Municipal Code Chapter 23.24)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Site Description

The proposal site is approximately 4,800 square feet and is located in a Multi-Family Lowrise Two Residential Commercial zone (L2/RC). The subject site is located on the east side of 35th Avenue S.W., in the middle of the block, between S.W. Barton Street and S.W. Cambridge Street. 35th Avenue is a two-lane paved street with sidewalks, curbs and gutters on both sides. The lot has approximately 40-feet of street frontage along 35th Avenue S.W. and is

approximately 120-feet (119.99) deep. The site also abuts a 16-foot wide improved concrete alley, which is used for vehicular access. Site vegetation includes grass, shrubs and trees.

Area Development

Zoning in the vicinity is mixed between multi-family, neighborhood commercial and single-family. The Multi-family Lowrise Two Residential Commercial zone (L2/RC) encompasses the block in which the site is located and also to the south. West of the block is zoned Multi-Family Lowrise 2 (L-2). To the east of the block is an area designated as Single Family 5000 (SF 5000). The area at the end of the subject block and to the north is zoned Neighborhood Commercial. In combination, these areas are developed with single-family and multi-family structures.

Proposal Description

The applicant proposes to subdivide one parcel of land into three unit lots. Proposed unit lot sizes are: A) 2,434.6 square feet, B) 1,183.4 square feet; and C) 1,181.3 square feet. Required vehicle access for the three unit lots is proposed from the adjacent 16-foot wide concrete alley.

Public Comments

The public comment period for the proposed project ended on October 13th, 2004 and no comments were received.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD), review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light, and review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

The existing parent lot subject to this subdivision does not conform to all development standards of the L-2/RC zone, but is recognized as an existing legal nonconformity. The unit lots proposed by this subdivision conform to the standards for unit lot subdivisions (SMC 23.24.045) and other code provisions applicable to unit lot subdivisions. Any new development must conform to code requirements for the parent lot at the time of application.

2. Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;

Vehicular access to the three surface parking spaces will be from the adjacent 16-foot wide concrete alley. The three surface parking spaces are provided on Unit Lots B and C by easement. A 4.5 foot and 5 foot Pedestrian access and utility easement is provided along the

south property line of Unit Lots A and C from the street to the alley. In order to insure that the use and maintenance responsibilities associated with the common areas are clear, the applicant/responsible party will be required to record an easement maintenance agreement with the final short plat. An easement or covenant should also be required to allow for the proper posting of address signage for the unit lots without street frontage.

The Seattle Fire Department has reviewed the proposed lot configuration with regard to fire protection and emergency vehicle access and has no objection. No improvements were requested by the Fire Department.

Seattle City Light will require an overhead/underground easement on the east 18.04 feet and the north 5 feet of Unit Lot B.

As conditioned, this short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of water supply, sanitary sewage disposal, and drainage;*

Sanitary Sewer: At the time of the building permit application review, the DPD Site Development staff confirmed that a public sanitary sewer is available and is of adequate capacity for sanitary discharge from new construction on this ULS site. A Side Sewer Permit has been issued, or will be issued, for connection of the project's side sewer to the public sewer. The Side Sewer Permit includes, or will include, the necessary easement and connection agreement documents.

Drainage: At the time of the building permit application review, the discharge point was determined for the project stormwater runoff and the project stormwater control method was designated or approved. A Side Sewer Permit has been issued, or will be issued, for the connection of the project's service drains to an approved discharge point. The necessary easement and connection documents will be included with the Side Sewer Permit.

Seattle Public Utilities reviewed the unit lot subdivision application and approved a Water Availability Certificate, No. 2004-1410 on September 23, 2004. All conditions on the certificate must be met prior to receiving water service.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. The public use and interests are served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

This site is not mapped as an environmentally critical area.

6. *Is designed to maximize the retention of existing trees;*

Not applicable, as the development of the subject site is permitted by approval of the associated building permit. No trees are expected to be removed as a result of this short subdivision.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Section 23.24.045 of the Seattle Municipal Code provides that under certain circumstances some types of parcels may be created that do not individually meet the zoning requirements for lot size, setbacks, density, and structure width and depth. These are called unit lot subdivisions and may be permitted as long as the development as a whole meets development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited due to non-conformities; the following statement shall be required to be included as a note on the final short subdivision: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

The owner(s) and responsible party(s) shall:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the

parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”

3. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements.
4. Provide an easement or covenant on the final plat to allow for proper posting of address signage for unit lots B and C.

Signature: _____ (signature on file) Date: November 18, 2004
Joan Carson, Land Use Planner II

JC:bg

Carson/Unit lot Subs\2406102.dec.doc